

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

BUERGOFOL GMBH,

Plaintiff,

vs.

OMEGA LINER COMPANY, INC.,

Defendant.

CIV. 22-CV-04112-KES

**MOTION FOR LEAVE TO FILE
OVERLENGTH BRIEF**

Plaintiff Buergofol GmbH, by and through its counsel of record, submits this motion seeking leave of Court to submit an overlength brief. Local Rule 7.1 provides that briefs may not exceed 30 pages.

Buergofol submits that, based on the number of allegations in Defendant Omega Liner Company, Inc.'s Answer and Counterclaims, which totaled 70 pages (not including exhibits), a brief exceeding the page length set by Local Rule 7.1 is necessary to address Buergofol's arguments in support of its motions pursuant to Rules 9(b), 12(b)(6), and 12(f). Accordingly, Buergofol requests permission to file its brief, which exceeds the page length cited above.

Dated at Sioux Falls, South Dakota, this 29th day of August, 2023.

**DAVENPORT, EVANS, HURWITZ
& SMITH, L.L.P.**

By /s/ Elizabeth S. Hertz
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